

In the Matter of:	:	
	:	
Louisiana Housing Finance Agency,	:	HUDBCA No. 02-D-CH-CC006
	:	Claim No. 74-0200001
Petitioner	:	
	:	

DECISION AND ORDER ON RECONSIDERATION

Petitioner, Louisiana Housing Finance Agency, filed a timely motion for reconsideration of this Board’s Decision and Order in Louisiana Housing Finance Agency, HUDBCA No. 02-D-CH-CC006 (November 12, 2003), which found that the debt claimed by the Secretary was past-due and enforceable against Petitioner. Petitioner’s motion for reconsideration asserts that:

[T]he Board’s Decision is [(1)] contrary to law as applied to the facts presented; [(2)] did not consider certain issues raised by Petitioner; and [(3)] is contrary to principles of equity and reason, considering the relative conduct and positions of the parties involved.

The Secretary filed no response to Petitioner’s motion for reconsideration. This Board subsequently granted Petitioner’s motion for reconsideration of the Decision and Order dated November 12, 2003.

Reconsideration is discretionary with the Board and will not be granted in absence of compelling reasons, e.g., newly discovered material evidence or clear error of fact of law. See Paul Dolman, HUDBCA No. 99-A-NY-Y41 (November 4, 1999); Anthony Mesker, HUDBCA No. 94-C-CH-S379 (May 10, 1995); William G. Grammer, HUDBCA No. 88-3092-H607 (March 7, 1988); 24 C.F.R. § 17.152(d). It is not the purpose of reconsideration to afford a party the opportunity to reassert contentions that have been fully considered and determined by the Board. See Seyedahma Mirhosseini (Mr./Mrs.), HUDBCA No. 95-A-SE-S615 (January 13, 1995); Paul Dolman supra.; Charles Waltman, HUDBCA No. 97-A-NY-W196 (September 21, 1999).

Petitioner’s motion for reconsideration provides no newly discovered material evidence. Instead, it advances legal arguments previously considered and decided in the Board’s November 12, 2003, Decision and Order. Accordingly, the Board will not re-address the issues previously decided.

The single new issue raised in Petitioner's motion for reconsideration is that the imposition of "penalties and interest as asserted in this case is unconscionable." (Pet. Motion for Reconsideration). Petitioner challenges the Secretary's entitlement to interest and penalties on the unpaid balance from March 28, 1994, alleging that it did not receive notice of the Secretary's claim for overpayment until August 19, 1999. Petitioner has alleged, but has cited no legal basis which would either restrict the right of the Secretary to seek payment of interest and penalties from Petitioner or show that the imposition of penalties and interest as asserted in this case is unconscionable. Petitioner's bare assertions are insufficient grounds for reversing or modifying the original Decision and Order, and, therefore, Petitioner remains liable for this debt in the amounts claimed by the Secretary.

CONCLUSION

Upon due reconsideration, the Decision and Order issued in this matter on November 12, 2003, which found the debt which is the subject of this proceeding to be past-due and enforceable against Petitioner, is hereby **AFFIRMED**.

Jerome Drummond
Administrative Judge

March 1, 2004